

OGC 81-09839
19 November 1981

MEMORANDUM FOR: See Distribution

FROM:

Chief, Legislation Division, OGC

SUBJECT: Fiscal Year 1982 Intelligence Authorization Act

1. We are rapidly approaching enactment of the Fiscal Year 1982 Intelligence Authorization Act. The House and Senate approved the conference report on H.R. 3454 on 18 November, clearing the measure for the President. The purpose of this memorandum is to provide a status report on the substantive legislative provisions which we have been seeking in the Authorization Bill.

2. The conference report contains a clarification of section 103 of the House-passed Bill, Congressional Notification of Expenditures in Excess of Program Authorizations. The language of the section is much improved over the Fiscal Year 1981 Authorization Act, and the Joint Explanatory Statement of the Conference Committee contains additional clarification, along with a recognition that there is a relationship between section 103 and the intelligence oversight language enacted last year as section 501 of the National Security Act of 1947.

3. Title V of the Authorization Bill contains significant expansions of the DCI's authorities in the areas of allowances, benefits, and travel. These provisions not only ensure that we will always be able to maintain comparability with Foreign Service benefits, they also provide authority for additional benefits necessary to meet the special requirements of work related to intelligence activities. The new travel authorities are quite broad as well. The joint explanatory statement contains language specifying that the provisions are meant to provide authority for the payment of benefits to dependents as well as employees. The explanatory statement also clarifies the requirement that regulations issued pursuant to the new authorities be submitted to the two Intelligence Committees before they take effect.

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4. Section 502 of the Bill contains a significant expansion of subsection 5(d) of the Central Intelligence Agency Act of 1949, the Agency's firearms authority.

5. Section 503 of the Bill protects the CIA name, initials and seal against unauthorized use.

6. Title VI of the Bill contains a number of significant provisions related to the National Security Agency, including benefits and allowances, the Cryptologic Linguist Reserve Program, Cryptologic Research Grants, the Senior Cryptologic Executive Service, and protection of the NSA name, initials and seal.

7. Title VII of the Bill contains authority for the establishment of a Defense Intelligence Agency Senior Executive Service and merit pay system.

8. The Bill specifies a retroactive effective date of 1 October 1981 for the provisions in Titles V, VI, and VII.

9. Section 510 of the Senate-passed version of the Authorization Bill, which would have provided federal jurisdiction over physical attacks upon intelligence officers, persons admitted to the United States for permanent residence because of their contribution to the intelligence efforts of the United States, and persons present in our country under intelligence auspices, was dropped in conference because of opposition from the House Judiciary Committee. HPSCI Chairman Boland has introduced this provision as a separate Bill.

10. Suggestions for implementation of the benefits, allowances, and travel provisions in the Authorization Act should be forwarded to the Office of General Counsel, Attention: Chief, Administrative Law Division.

11. Please note that the draft Fiscal Year 1983 Intelligence Authorization Act is now being prepared; it is due at the Office of Management and Budget by 15 December 1981. Any suggestions for substantive legislative provisions to be included in this Authorization Bill should be forwarded to the undersigned as soon as possible.



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Attachment

See Distribution on following page.

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